

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10381–S10468

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 2887–2898, S. Res. 447, and S. Con. Res. 140. **Page S10436**

Measures Reported:

H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program. (S. Rept. No. 108–385)

S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence. **Page S10436**

Measures Passed:

Presidential Pardon: Senate agreed to S. Res. 447, expressing the sense of the Senate that the President of the United States should exercise his Constitutional Authority to pardon posthumously John Arthur “Jack” Johnson for Mr. Johnson’s racially-motivated 1913 conviction that diminished his athletic, cultural, and historic significance, and unduly tarnished his reputation. **Pages S10417–19**

Veterans’ Compensation Cost-Of-Living Adjustment Act: Committee on Veterans’ Affairs was discharged from further consideration of H.R. 4175, to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and the bill was then passed after striking all after the enacting clause and inserting in lieu thereof the text of S. 2483, Senate companion-measure. **Pages S10458–59**

Subsequently, S. 2483 was returned to the Senate calendar. **Page S10459**

St. Louis Gateway Arch Lighting: Senate passed S. 2895, to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month. **Page S10459**

Communications Satellite Act: Senate passed S. 2896, to modify and extend certain privatization requirements of the Communications Satellite Act of 1962. **Page S10459**

Little Rock Central High School National Historic Site: Committee on Energy and Natural Resources was discharged from further consideration of S. Res. 420, recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School, and the resolution was then agreed to. **Page S10460**

Protecting Older Americans From Fraud Month: Senate agreed to S. Res. 424, designating October 2004 as “Protecting Older Americans From Fraud Month”. **Page S10460**

Department of Veterans Affairs Health Care Personnel Enhancement Act: Senate passed S. 2484, to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S10460–67

Frist (for Specter) Amendment No. 3973, in the nature of a substitute. **Page S10467**

National Intelligence Reform Act: Senate continued consideration of S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, taking action on the following amendments proposed thereto:

Pages S10384–88, S10390–S10400, S10400–17

Adopted:

Collins (for Cantwell) Modified Amendment No. 3933, to require biometric identification information on travel documents of aliens seeking to enter the United States. **Pages S10384, S10394–95**

Collins/Lieberman Amendment No. 3957, to provide for certain revisions to the bill, including providing for permanent authority for the Public Interest Declassification Board, and for homeland security civil rights and civil liberties protection. **Page S10384**

Collins (for Rockefeller) Modified Amendment No. 3712, to provide improved aviation security.

Pages S10384–88

Collins (for Baucus) Further Modified Amendment No. 3768, to require an annual report on the allocation of funding within the Office of Foreign Assets Control of the Department of the Treasury.

Pages S10384–88, S10391

Feinstein Modified Amendment No. 3718, to improve the intelligence functions of the Federal Bureau of Investigation.

Pages S10390, S10391–92

Collins (for Gregg) Modified Amendment No. 3934, to enhance the role of the Federal Bureau of Investigation in its intelligence and law enforcement missions.

Page S10394

Withdrawn:

Chambliss Amendment No. 3710, to provide for the establishment of a unified combatant command for military intelligence.

Pages S10392–94

Roberts Amendment No. 3739, to ensure the sharing of intelligence information in a manner that promotes all-sources analysis and to assign responsibility for competitive analysis.

Pages S10390, S10398

Roberts Amendment No. 3750, to clarify the responsibilities of the Directorate of Intelligence of the National Counterterrorism Center for information-sharing and intelligence analysis.

Pages S10390, S10398

Lautenberg Amendment No. 3767, to specify that the National Intelligence Director shall serve for one or more terms of up to 5 years each.

Pages S10390, S10416

Pending:

Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight.

Page S10390

Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding.

Page S10390

Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation.

Page S10390

Reid (for Harkin) Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board.

Page S10390

Roberts Amendment No. 3742, to clarify the continuing applicability of section 504 of the National Security Act of 1947 to the obligation and expenditure of funds appropriated for the intelligence and intelligence-related activities of the United States.

Pages S10390–91

Stevens Amendment No. 3827, to strike section 206, relating to information sharing.

Page S10391

Stevens Amendment No. 3840, to strike the fiscal and acquisition authorities of the National Intelligence Authority.

Page S10391

Stevens Amendment No. 3882, to propose an alternative section 141, relating to the Inspector General of the National Intelligence Authority.

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Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform.

Page S10391

Levin Modified Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities.

Page S10391

Levin Amendment No. 3810, to clarify the definition of National Intelligence Program.

Page S10391

Stevens Amendment No. 3830, to modify certain provisions relating to the Central Intelligence Agency.

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Warner Amendment No. 3875, to clarify the definition of National Intelligence Program.

Page S10391

Reid (for Leahy) Amendment No. 3913, to address enforcement of certain subpoenas.

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Reid (for Leahy) Amendment No. 3916, to strengthen civil liberties protections.

Page S10391

Reid (for Leahy) Amendment No. 3915, to establish criteria for placing individuals on the consolidated screening watch list of the Terrorist Screening Center.

Page S10391

Collins (for Frist) Modified Amendment No. 3895, to establish the National Counterproliferation Center within the National Intelligence Authority.

Page S10391

Collins (for Frist) Amendment No. 3896, to include certain additional Members of Congress among the congressional intelligence committees.

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During consideration of this measure today, Senate also took the following action:

By 85 yeas to 10 nays (Vote No. 197), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

Page S10391

Chair sustained certain points of order against the following amendments:

Reid (for Schumer) Amendment No. 3887, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3888, to establish the United States Homeland Security Signal Corps to ensure proper communications between law enforcement agencies.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3889, to establish a National Commission on the United States-Saudi Arabia Relationship.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3890, to improve the security of hazardous materials transported by truck.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3891, to improve rail security.

Pages S10390, S10398

Reid (for Schumer) Amendment No. 3892, to strengthen border security. **Pages S10390, S10398**

Reid (for Schumer) Amendment No. 3893, to require inspection of cargo at ports in the United States. **Pages S10390, S10398**

Reid (for Schumer) Amendment No. 3894, to amend the Homeland Security Act of 2002 to enhance cybersecurity. **Pages S10390, S10398**

Reed Amendment No. 3908, to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security. **Pages S10390, S10398**

Reid (for Corzine/Lautenberg) Amendment No. 3849, to protect human health and the environment from the release of hazardous substances by acts of terrorism. **Pages S10390, S10398**

Reid (for Lautenberg) Amendment No. 3782, to require that any Federal funds appropriated to the Department of Homeland Security for grants or other assistance be allocated based strictly on an assessment of risks and vulnerabilities. **Pages S10390, S10398**

Reid (for Lautenberg) Amendment No. 3905, to provide for maritime transportation security. **Pages S10390, S10398**

Roberts Amendment No. 3747, to provide the National Intelligence Director with flexible administrative authority with respect to the National Intelligence Authority. **Pages S10391, S10398**

Kyl Amendment No. 3881, to protect crime victims' rights. **Pages S10391, S10398**

Kyl Amendment No. 3724, to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses. **Pages S10391, S10398**

Sessions Amendment No. 3928, to require aliens to make an oath prior to receiving a nonimmigrant visa. **Pages S10391, S10398**

Sessions Amendment No. 3873, to protect railroad carriers and mass transportation from terrorism. **Pages S10391, S10398**

Sessions Amendment No. 3871, to provide for enhanced Federal, State, and local enforcement of the immigration laws. **Pages S10391, S10398**

Sessions Amendment No. 3870, to make information sharing permanent under the USA PATRIOT Act. **Pages S10391, S10398**

Collins (for Cornyn) Amendment No. 3803, to provide for enhanced criminal penalties for crimes related to alien smuggling. **Pages S10391, S10398**

Frist (for McConnell) Amendment No. 3930, to clarify that a volunteer for a federally-created citizen volunteer program and for the program's State and local affiliates is protected by the Volunteer Protection Act. **Pages S10391, S10398**

Frist (for McConnell) Amendment No. 3931, to remove civil liability barriers that discourage the donation of equipment to volunteer fire companies. **Pages S10391, S10398**

Warner Amendment No. 3874, to provide for the treatment of programs, projects, and activities within the Joint Military Intelligence Program and Tactical Intelligence and Related Activities programs as of the date of the enactment of the Act. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3850, to require the inclusion of information regarding visa revocations in the National Crime Information Center database. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3851, to clarify the effects of revocation of a visa. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3855, to combat money laundering and terrorist financing, to increase the penalties for smuggling goods into the United States. **Pages S10391, S10398**

Sessions (for Grassley) Amendment No. 3856, to establish a United States drug interdiction coordinator for Federal agencies. **Pages S10391, S10398**

Sessions/Ensign Amendment No. 3872, to amend the Immigration and Nationality Act to require fingerprints on United States passports and to require countries desiring to participate in the Visa Waiver Program to issue passports that conform to the biometric standards required for United States passports. **Pages S10391, S10398**

Kyl Amendment No. 3926, to amend the Immigration and Nationality Act to ensure that non-immigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States. **Pages S10391, S10398**

Ensign Amendment No. 3819, to require the Secretary of State to increase the number of consular officers, clarify the responsibilities and functions of consular officers, and require the Secretary of Homeland Security to increase the number of border patrol agents and customs enforcement investigators. **Pages S10390, S10398**

Subsequently, the aforementioned amendments were ruled out of order since they were not germane to the bill under the provisions of Rule 22. **Page S10398**

Subsequently, Collins (for Inhofe) Amendment No. 3946 (to Amendment No. 3849), in the nature of a substitute, fell when Amendment No. 3849 (listed above) was ruled out of order. **Page S10391**

Lieberman (for Bingaman) Amendment No. 3814, to provide the sense of Congress that United States foreign assistance should be provided to South Asia, Southeast Asia, West Africa, the Horn of Africa,

North and North Central Africa, the Arabian peninsula, Central and Eastern Europe, and South America to prevent the establishment of terrorist sanctuaries, previously agreed to on Monday, October 4, 2004, was modified by unanimous consent. **Page S10417**

A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate or other business before the Senate, all time be counted as post-cloture time on the bill; provided further, that at 11:30 a.m. on Wednesday, October 6, 2004, Senate begin a series of rollcall votes on the pending amendments in the order offered; further that there be two minutes equally divided prior to each vote, with no second degree amendments in order to the amendments prior to the votes; provided further, that the voting sequence end at Amendment No. 3916. **Page S10419**

A unanimous-consent agreement was reached providing that it be in order for the Managers, with the concurrence of the two Leaders, to send a Managers' amendment to the desk, prior to passage of the bill. **Page S10419**

A unanimous-consent agreement was reached providing that following conclusion of those votes and the expiration of any remaining time under Rule XXII, Senate vote on any qualified amendment, to be followed by third reading and a vote on passage of the bill as amended, with no intervening action or debate. **Page S10419**

Intelligence Committee Reform—Agreement: A unanimous-consent agreement was reached providing that following passage of S. 2845 (listed above), Senate begin consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence. **Page S10419**

Nominations Received: Senate received the following nominations:

Ronald Rosenfeld, of Oklahoma, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 2009.

Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008. **Page S10468**

Messages From the House: **Pages S10434–35**

Executive Communications: **Pages S10435–36**

Additional Cosponsors: **Pages S10436–37**

Statements on Introduced Bills/Resolutions: **Pages S10437–46**

Additional Statements: **Pages S10431–34**

Amendments Submitted: **Pages S10446–58**

Authority for Committees to Meet: **Page S10458**

Privilege of the Floor: **Page S10458**

Record Votes: One record vote was taken today. (Total—197) **Page S10391**

Adjournment: Senate convened at 9 a.m., and adjourned at 8:17 p.m., until 9:30 a.m., on Wednesday, October 6, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10467.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development for Community Planning and Development, after the nominee, who was introduced by Representative Bradley, testified and answered questions in her own behalf.

UNIVERSAL SERVICE E-RATE PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine waste, fraud, and abuse issues relating to Universal Service E-rate program, after receiving testimony from Thomas Bennett, Assistant Inspector General for USF Oversight, and Tom Cline, Assistant Inspector General for Audits, both of the Federal Communications Commission; George McDonald and Frank Gumper, both of the Universal Service Administrative Company, Washington, D.C.; and Winston E. Himsworth, E-Rate Central, Seaford, New York, on behalf of the State E-rate Coordinator's Alliance.

MILLENNIUM CHALLENGE CORPORATION

Committee on Foreign Relations: Committee concluded a hearing to examine the progress and future performance of the Millennium Challenge Corporation (MCC), focusing on the size of the foreign aid commitment, the competitive selection process for MCC funds, the separation from the strategic foreign policy goals of the United States, and civil society proposals in each country, after receiving testimony from Paul V. Applegarth, Chief Executive Officer, Millennium Challenge Corporation, Department of State.

NOMINATION

Committee on Governmental Affairs: Committee concluded a hearing to examine the nomination of Gregory E. Jackson, to be an Associate Judge of the Superior Court of the District of Columbia, after the